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09/841,017	04/23/2001	Ranjit Sahota	40004572-0001-002	5826
26263                      7590                      08/21/2009 SONNENSCHN NATH & ROSENTHAL LLP P.O. BOX 061080 WACKER DRIVE STATION, WILLIS TOWER CHICAGO, IL 60606-1080				
EXAMINER				
RIES, LAURIE ANNE				
ART UNIT		PAPER NUMBER		
2176				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

## Application No.

09/841,017

## Applicant(s)

SAHOTA ET AL.

## Examiner

LAURIE RIES

## Art Unit

2176

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 59-61 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 59-61 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

### **DETAILED ACTION**

1. This action is responsive to communications: Request for Continued Examination, filed 9 June 2009, to the Original Application, filed 23 April 2001.
2. Claims 1-10 and 59-61 are pending. Claims 11-58 and 62-66 have been cancelled. Claims 1, 6, and 59 are independent claims.

### ***Request for Continued Examination***

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9 June 2009 has been entered.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-2, 4, 6-7, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Whitledge (U.S. Patent 6,925,595 B1) in view of Abrams (U.S. Patent 6,675,350 B1) and Spyglass Prism ("Concepts and Applications").

**As per independent claim 1**, Whitledge teaches a syndication method comprising creating capture templates to harvest content from disparate content sources on multiple platforms (See Whitledge, Column 34, Claim 1, lines 29-35, and Column 26, lines 22-29, describing creating capture templates that harvest content in a network, as shown in Column 34, Claim 1, lines 29-35, and Column 26, lines 22-29, and that said capture templates control the acquisition and extraction process, as described in Whitledge, Column 26, lines 22-26, teaching an HTML conversion operation COM model in which DOM\_TEMPLATE creates a new HTML document by inserting hypertext elements selection by DOM\_EVAL into a template used to create the second hypertext electronic document).

Whitledge also teaches generating a standardized document from the extraction process and incoming content sources (See Whitledge, Figure 11, Column 25, lines 26-50, Column 3, lines 63-67, Column 4, Table 4, and Column 26, lines 22-26).

Whitledge also teaches providing the standardized document for optimized display on one or more different types of platforms (See Whitledge, Column 4, lines 65-67, Column 5, lines 1-17, and Column 8, lines 37-43).

Whitledge does not teach expressly that the document is a data stream.

Spyglass Prism discloses an HTML traffic report represented in real time, which is, therefore, a streaming document (See Spyglass Prism, Page 7).

While Whitledge teaches acquiring content from disparate content sources on multiple platforms as described above, Whitledge does not teach expressly that said content is "original content" and that the original content is selectively extracted from the disparate content sources.

Abrams teaches selectively extracting original content that is acquired from disparate content sources (See Abrams, Column 1, lines 45-49, Column 2, lines 4-12, and Column 4, lines 39-50 describing collecting or acquiring original content, such as summary information, from disparate sources wherein the user configures constraints allowing selective extraction of said original content).

Whitledge, Spyglass Prism, and Abrams are analogous art because they are from the same field of endeavor of representing hypertext data.

At the time of the invention it would have been obvious to one of ordinary skill in the art to combine the streaming document of Spyglass Prism with the data harvesting

system and method of Whitledge. The motivation for doing so would have been to provide a representation of data in real time as needed, such as for applications involving current traffic conditions (See Spyglass Prism, Page 7).

At the time of the invention it would have also been obvious to one of ordinary skill in the art to include the acquisition of original content and selective extraction of said original content of Abrams with the capture templates created to harvest content from disparate content sources of Whitledge. The motivation for doing so would have been to allow a user to choose content of interest from multiple sources to be included in a specific display format as indicated by a capture template, such that the user may view the content in a manner in a convenient and compact manner regardless of source and layout of the original data (See Abrams, Column 1, lines 29-33).

Therefore, it would have been obvious to combine Spyglass Prism and Abrams with Whitledge for the benefit of to providing a representation of data in real time as needed, such as for applications involving current traffic conditions, and for the benefit of allowing a user to choose content of interest from multiple sources to be included in a specific display format as indicated by a capture template, such that the user may view the content in a manner in a convenient and compact manner regardless of source and layout of the original data, to obtain the invention as specified in claim 1.

**As per dependent claim 2**, Whitledge, Spyglass Prism, and Abrams teach the limitations of claim 1 as described above. Whitledge also teaches that he content includes HTML content or XML content (See Whitledge, Column 6, lines 3-14).

**As per dependent claim 4**, Whitledge, Spyglass Prism, and Abrams teach the limitations of claim 1 as described above. Whitledge also teaches providing the standardized data stream on personal computer display or an electronic portable device display and generating content and code optimized, personalized for a specific platform, network environment or local market (See Whitledge, Column 8, lines 37-46).

**As per independent claim 6**, Whitledge teaches a syndication system including a server (See Whitledge, Figure 1). Independent claim 6 additionally incorporates substantially similar subject matter as that of independent claim 1 above, and is additionally rejected along the same rationale as used in the rejection of claim 1.

**As per dependent claim 7**, Whitledge, Spyglass Prism, and Abrams teach the limitations of claim 6 as described above. Claim 7 additionally incorporates substantially similar subject matter as that of claim 2 above, and is additionally rejected along the same rationale as used in the rejection of claim 2.

**As per dependent claim 9**, Whitledge, Spyglass Prism, and Abrams teach the limitations of claim 6 as described above. Claim 9 additionally incorporates substantially similar subject matter as that of claim 4 above, and is additionally rejected along the same rationale as used in the rejection of claim 4.

5. Claims 3 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Whittedge (U.S. Patent 6,925,595 B1) in view of Spyglass Prism ("Concepts and Applications") and Abrams (U.S. Patent 6,675,350 B1) as applied to claims 1 and 6 above, and further in view of Lonroth (U.S. Patent 6,826,597 B1).

**As per dependent claim 3**, Whittedge, Spyglass Prism, and Abrams teach the limitations of claim 1 as described above. Whittedge also teaches that the capture templates are to provide an ability to insert new media types and content optimized for a particular platform (See Whittedge, Column 24, lines 41-67, and Column 25, lines 1-2). Whittedge, Spyglass Prism, and Abrams do not teach expressly creating one or more XML files or documents to define rules, logic, and content extraction parameters. Lonroth teaches that the creating of the capture templates includes creating one or more XML files or documents to define rules, logic, and content extraction parameters (See Lonroth, Column 2, lines 35-51, Column 3, lines 23-31, and Column 9, lines 39-49). Whittedge, Spyglass Prism, Abrams, and Lonroth are analogous art because they are from the same field of endeavor of representing hypertext data. At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the creation of XML files to define rules, logic and content extraction parameters of Lonroth with the method of harvesting data of Whittedge, Spyglass Prism, and Abrams. The motivation for doing so would have been to allow clients to retrieve data from data sources that do not necessarily support the same protocols and formats as the clients (See Lonroth, Column 3, lines 14-16). Therefore, it would have been obvious to combine Lonroth with Whittedge, Spyglass Prism, and Abrams for the



benefit of to allowing clients to retrieve data from data sources that do not necessarily support the same protocols to obtain the invention as specified in claims 3 and 8.

**As per dependent claim 8**, Whitledge, Spyglass Prism, and Abrams teach the limitations of claim 6 as described above. Claim 8 additionally incorporates substantially similar subject matter as that of claim 3 above, and is additionally rejected along the same rationale as used in the rejection of claim 3.

6. Claims 5 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Whitledge (U.S. Patent 6,925,595 B1) in view of Spyglass Prism ("Concepts and Applications") and Abrams (U.S. Patent 6,675,350 B1) as applied to claims 1 and 6 above, and further in view of Arens ("Intelligent Caching: Selecting, Representing, and Reusing Data in an Information Server").

**As per dependent claim 5**, Whitledge, Spyglass Prism, and Abrams teach the limitations of claim 1 as described above. Whitledge, Spyglass Prism, and Abrams do not teach expressly caching the data stream, templates or content. Arens teaches caching data or information (See Arens, Abstract). Whitledge, Spyglass Prism, Abrams, and Arens are analogous art because they are from the same field of endeavor of storing and accessing electronic data. At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the caching of data of Arens

with the data stream, templates and content of Whittedge, Spyglass Prism, and Abrams. The motivation for doing so would have been to reduce the cost of retrieving data (See Arens, Abstract). Therefore, it would have been obvious to combine Arens with Whittedge, Spyglass Prism, and Abrams for the benefit of reducing the cost of retrieving data to obtain the invention as specified in claims 5 and 10.

**As per dependent claim 10**, Whittedge, Spyglass Prism, and Abrams teach the limitations of claim 6 as described above. Claim 10 additionally incorporates substantially similar subject matter as that of claim 5 above, and is additionally rejected along the same rationale as used in the rejection of claim 5.

7. Claims 59-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Whittedge (U.S. Patent 6,925,595 B1) in view of Abrams (U.S. Patent 6,675,350 B1).

**As per independent claim 59**, Whittedge teaches a method for harvesting content including harvesting content from disparate content sources by accessing content and media assets from a web site on the Internet network based on conversion rules stored in a repository (See Whittedge, Figure 3, Figure 4A, Column 11, lines 58-67, Column 13, lines 45-59, and Table 3).

Whittedge also teaches converting the harvested content based on conversion rules stored in the repository (See Whittedge, Column 6, lines 35-38).

While Whitledge teaches content acquisition rules, Whitledge does not teach expressly acquisition rules stored in a repository.

Abrams teaches selectively extracting original content that is acquired from disparate content sources (See Abrams, Column 1, lines 45-49, Column 2, lines 4-12, and Column 4, lines 39-50 describing collecting or acquiring original content, such as summary information, from disparate sources wherein the user configures constraints allowing selective extraction of said original content). Abrams further teaches that said selectively acquired original content is acquired based upon acquisition rules, such as user-defined constraints for collecting original data, which are stored in a data repository in the form of parsing parameters (See Abrams, Figure 1, element 35, showing parsing parameters contained in a data storage structure, and Column 3, lines 48-60, describing an inventory of parsing parameters used to collect remote original data).

Whitledge and Abrams are analogous art because they are from the same field of endeavor of representing hypertext data.

At the time of the invention it would have been obvious to one of ordinary skill in the art to include the stored acquisition of data from disparate multiple platforms in a network of Abrams with the data harvesting method of Whitledge. The motivation for doing so would have been to collect data of specific interest to a user by applying the data collection rules that are specified by the user. Therefore, it would have been obvious to combine Abrams with Whitledge for the benefit of collecting data of specific interest to a user by applying the data collection rules that are specified by the user to obtain the invention as specified in claim 59.

**As per dependent claim 60**, Whittedge and Abrams teach the limitations of claim 59 as described above. Whittedge also teaches navigating the web site to locate and access the content and media assets using a web browser, which does not change existing content on a web site (See Whittedge, Figures 10 and 11, Column 25, lines 10-37, and Column 1, lines 62-65).

**As per dependent claim 61**, Whittedge and Abrams teach the limitations of claim 59 as described above. Whittedge also teaches accessing the content and media assets using an Internet protocol (See Whittedge, Column 2, lines 4-24).

### ***Response to Arguments***

8. Applicant's arguments with respect to claims 1-10 and 59-61 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laurie Ries whose telephone number is (571) 272-4095.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Hutton, can be reached at (571) 272-4137.

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Laurie Ries/  
Primary Examiner  
Technology Center 2100  
20 August 2009